

the issuance of the original construction permit for television facilities. Before such an application can be granted, the permittee or assignee must certify that it will immediately begin building after the modification is granted or the assignment is consummated.

(b) Modification and assignment applications filed after the time periods stated in paragraph (a) will not be granted absent a showing that one of the following three criteria apply: (1) Construction is complete and testing is underway looking toward prompt filing of a license application; (2) substantial progress has been made *i.e.*, demonstration that equipment is on order or on hand, site acquired, site cleared and construction proceeding toward completion; or (3) no progress has been made for reasons clearly beyond the control of the permittee (such as delays caused by governmental budgetary processes and zoning problems) but the permittee has taken all possible steps to expeditiously resolve the problem and proceed with construction. A certification by the permittee or the assignee that it immediately will begin building after the modification is granted or the assignment is consummated is also necessary. A seller must make the "one of three criteria" showing in an assignment application.

(c) If a modification is granted, the time period allowed for construction will be 6 months from the issuance of the authorization to modify or the remainder of the construction period, whichever is longer. Also, in the case of an assignment, the time period allowed for construction will be 12 months from the consummation of the assignment or the remainder of the construction period, whichever is longer. The extension will be given subject to the condition that the modification is completed or the assignment is consummated. Failure to modify or consummate within the time allowed will result in cancellation of the construction permit.

(d) We will not entertain an application for modification of an authorized but unbuilt facility or an application for assignment or transfer of control of an unbuilt facility if filed after the ex-

piration of the initial construction period.

[50 FR 52779, Dec. 26, 1985]

§ 73.3536 Application for license to cover construction permit.

(a) The application for station license shall be filed by the permittee pursuant to the requirements of § 73.1620 Program tests.

(b) The following application forms shall be used:

(1) FCC Form 302, "Application for a New Broadcast Station License."

(2) FCC Form 310, "Application for an International or Experimental Broadcast Station License."

(3) FCC Form 313, "Application for Authorization in the Auxiliary Broadcast Services."

(4) FCC Form 330-L "Application for Instructional Television Fixed Station License."

(5) FCC Form 347, "Application for a Low Power TV, TV Translator or TV Booster Station License."

(6) FCC Form 350, "Application for an FM Translator or FM Booster Station License."

[44 FR 38495, July 2, 1979, as amended at 49 FR 32582, Aug. 15, 1984; 50 FR 40016, Oct. 1, 1985; 51 FR 18451, May 20, 1986; 51 FR 32088, Sept. 9, 1986; 52 FR 31400, Aug. 20, 1987; 53 FR 36788, Sept. 22, 1988]

§ 73.3537 Application for license to use former main antenna as an auxiliary.

A licensee may apply on FCC Form 302 for authority to use a formerly licensed main antenna system as an auxiliary antenna.

[51 FR 32088, Sept. 9, 1986]

§ 73.3538 Application to make changes in an existing station.

Where prior authority from the FCC is required to make changes in an existing station the following procedures shall be used to request that authority:

(a) An application for a construction permit using the forms specified in § 73.3533 must be filed for authority to make the following changes:

(1) Any change involving frequency, power or location of the station.

(2) A change in the hours of operation of an AM station, where the hours of